

1 Darren Chaker-Del Nero
2 1140 Wall Street #77
3 La Jolla, CA 92038
4 DarrenChaker@Gmail.com
5 Self-Represented

6 **UNITED STATES DISTRICT COURT**
7 **PENNSYLVANIA EASTERN DISTRICT**

8 DARREN DELNERO,

9 Plaintiff,

10 v.

11 NCO FINANCIAL SYSTEMS, INC.,

12 Defendants.

Case No.: 2:06-cv-04823

APPLICATION TO FILE UNDER SEAL

[CONDITIONALLY FILED UNDER
SEAL]

13
14 COMES NOW PLAINTIFF'S DARREN CHAKER and files this Application to
15 Seal the attached Motion for Judicial Notice in Support of Ex Parte Motion to Seal
16 Records.

17 **I. GOOD CAUSE EXISTS TO SEAL THE MOTION FOR**
18 **RECONSIDERATION AND REFERENCES TO RECORDS SEVERAL**
19 **OTHER COURTS HAVE ORDERED SEAL, INCLUDING SEALED**
20 **COURT ORDERS.**

21 California Civil Procedure Code § 367.3 was enacted in 2019 and is now moving
22 this honorable court to seal the file and insert "John Doe" as the Plaintiff.

23 This honorable court recently received an ex parte motion to seal records. The
24 court filed these records under seal. Plaintiff now seeks to file his motion for
25 reconsideration.

26 Plaintiff attaches several court orders to his motion which have changed the
27 caption to protect Plaintiff's name from the public record as well as other courts have
28 sealed the entire file including the court order.

1 If this honorable court did not grant this application, then the various court orders
 2 which have been sealed would then become a public record. Likewise, the argument the
 3 motion for reconsideration references to sealed records, thus should be sealed as well.

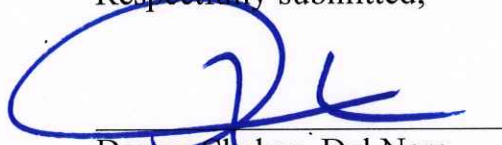
4 **CONCLUSION**

5 Since the Application to File Under Seal discloses the contents of the attached
 6 motion, Plaintiff requests the motion and application are filed under seal.

7 If for any reason this motion is not granted, Plaintiff requests the Clerk of the
 8 Court to return this Motion for Reconsideration of Ex Parte Motion to Seal Records¹ as
 9 having such material in the public record could be a death sentence and would reveal
 10 confidential and previously sealed records.

11 DATED: July 31, 2021

Respectfully submitted,



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14 Darren Chaker- Del Nero
15 Plaintiff
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28 ¹ For reference, and for only example purposes, in California if the court denies the motion to
 seal the record, the court “must not place it in the case file unless [the moving] party notifies the
 clerk in writing within 10 days...that the record is to be filed.” (Rule 2.551(b)(6).); Conditionally
 lodged documents must be returned to the moving party by this court’s clerk. (Rule 8.46(d)(7) &
 (f)(3)(D).)

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6 **UNITED STATES DISTRICT COURT**
7 **PENNSYLVANIA EASTERN DISTRICT**

8 DARREN DELNERO,

Case No.: 2:06-cv-04823

9 Plaintiff,

**MOTION FOR RECONSIDERATION
OF EX PARTE MOTION TO SEAL
RECORDS**

10 v.

11 NCO FINANCIAL SYSTEMS, INC.,

**[CONDITIONALLY FILED UNDER
SEAL]**

12 Defendants.

13
14
15 COMES NOW PLAINTIFF DARREN DEL NERO and files this Motion for
16 Reconsideration.

17 **I. PLAINTIFF REQUESTS THIS HONORABLE COURT TO RECONSIDER**
18 **ITS RULING SINCE IT FAILED TO EMBRACE CALIFORNIA LAW.**

19 This honorable court issued its ruling on June 10, 2021. Plaintiff requests the court
20 to reconsider its ruling¹ for the following reasons:

21 First, I would ask this honorable Court to embrace California which expressly
22 enunciates the exclusive criteria to grant a motion to seal under the statute is if the moving
23 party is an active participant in the Safe at Home Program. A “protected person” under
24 the statute is a “person who is an active participant in the address confidentiality program

25 ¹ There is no “motion for ‘reconsideration’ in the Federal Rules of Civil Procedure.” *Bass v.*
26 *United States Dep’t of Agriculture*, 211 F.3d 959, 962 (5th Cir. 2000). Rather, if filed within
27 ten days of the district court’s judgment, such a motion is construed as filed pursuant to Rule
28 59(e). See *id.* Motions that are not timely under Rule 59 must be treated as motions filed
under Rule 60(b). See *Hamilton Plaintiffs v. Williams Plaintiffs*, 147 F.3d 367, 371 n.10 (5th
Cir. 1998).

**MOTION FOR RECONSIDERATION FOR EX PARTE
MOTION TO SEAL RECORDS - 1**

1” (California Code of Civil Procedure § 367.3(a)(3). In lieu of looking at California
 2 law, the court discarded the criteria and looked to a balancing test to determine if Plaintiff
 3 is entitled to sealing or redaction.

4 Additionally, within only a few weeks when this court issued its order other courts
 5 issued different ones. As indicated below, other courts were presented with the identical
 6 papers this court was provided with and granted some relief ranging from completely
 7 sealing the entire case to full or partial redaction² of protected information³.

8 Further, the California Supreme Court has restricted access to entire volumes of
 9 records for privacy reasons⁴.

10 Respectfully, while the court discounts the rational for bringing the underlying
 11 motion, other courts have not. Plaintiff requests the court to reconsider its ruling while
 12 embracing both California law and the recently issued orders. At bare minimum to insert
 13 John Doe for the plaintiff’s name to order redaction of all references of Plaintiff’s name
 14 in the court record, as well as, redacting all reference to protected information.

15 **II. GOOD CAUSE EXISTS TO SEAL THE EX PARTE MOTION TO SEAL**
 16 **RECORDS SINCE ACTIVE THREATS TO PLAINTIFF’S SAFETY**
 17 **REMAIN.**

18 As previously stated, California Civil Procedure Code § 367.3 was enacted in
 19 2019. (CCP § 367.3(b)(1).) A “protected person” under the statute is an “person who is
 20 an active participant in the address confidentiality program” (CCP § 367.3(a)(3).)

21 Moreover, the only criteria under California law is the person seeking to seal
 22 records must be an active member of Safe at Home. The California Judicial Council
 23 adopted the Civil and Small Claims Advisory Committee’s recommendation in their
 24

26 ² The two courts where denial or partial redaction was allowed are being asked to reconsider its
 27 ruling are this one and the Central District of California.

28 ³ As defined by Code of Civil Procedure § 367.3(a) (1) & (2).

⁴ See Exhibits G-K.

1 report on sealing previously filed papers under Code of Civil Procedure section 367.3,
2 which states:

3 Rule 2.550 of the California Rules of Court requires that the
4 court "specifically state the facts" that support its findings
5 to place a document under seal. (Cal. Rules of Court, rule
6 2.550(e).) The committee concluded that *the applicant's status*
7 *as an active participant in the Safe at Home program* under
8 Code of Civil Procedure section 367.3, *itself, constitutes the*
9 *"specific facts" supporting the motion necessary to*
10 *retroactively seal documents.*

11 Plaintiff has demonstrated by his declaration and Exhibits B & C attached to the
12 initially filed Ex Parte Motion to Seal Records, he is part of the protected class of people
13 who may use the protections afforded under the statute.

14 Tellingly, the restriction of information of a crime victim is also etched into the
15 California Constitution article I, § 28, section (b)(4), "To prevent the disclosure of
16 confidential information or records to the defendant, the defendant's attorney, or any
17 other person acting on behalf of the defendant, which could be used to locate or harass
18 the victim or the victim's family..."

19 California Penal Code § 1054.2 restricts a criminal defense attorney from sharing
20 contact information of a prosecution witness. Specifically, "no attorney may disclose or
21 permit to be disclosed to a defendant, members of the defendant's family, or anyone
22 else, the address or telephone number of a victim or witness whose name is disclosed to
23 the attorney..."

24 Likewise, California Penal Code § 679, Rights of Victims and Witnesses of
25 Crime –Legislative intent – states,

26 In recognition of the civil and moral duty of victims and witnesses of
27 crime to fully and voluntarily cooperate with law enforcement and
28 prosecutorial agencies, and in further recognition of the continuing
importance of this citizen cooperation to state and local law
enforcement efforts and the general effectiveness and well-being of

1 the criminal justice system of this state, the Legislature declares its
2 intent, in the enactment of this title, to ensure that all victims and
3 witnesses of crime are treated with dignity, respect, courtesy, and
4 sensitivity. It is the further intent that the rights enumerated in Section
5 679.02 relating to victims and witnesses of crime are honored and
6 protected by law enforcement agencies, prosecutors, and judges in a
7 manner no less vigorous than the protections afforded criminal
8 defendants. (emphasis added)

9 "It is well settled that the right of privacy is purely a personal one." (*Coverstone*
10 *v. Davies* (1952) 38 Cal.2d 315, 322-324 [239 P.2d 876]; *Werner v. Times-Mirror Co.*
11 (1961) 193 Cal.App.2d 111, 116 [14 Cal.Rptr. 208]; *James v. Screen Gems, Inc.* (1959)
12 174 Cal.App.2d 650, 653.

13 Tellingly, in the unpublished case *Lawrence S. v. Copeland*, No. B255858, 2015
14 WL 7061963, at *1 (Cal. Ct. App. Nov. 12, 2015) the appellate court reversed a trial
15 court years prior to § 367.3 being enacted where the trial court decided to not seal
16 records. The participant in that case stated to the lower court,

17 "We are members of the [S]afe at [H]ome program because we are
18 both victims of serious domestic violence from an ex-boyfriend of
19 mine, who has physically assaulted me many times, stalked us, and
20 threatened us with death. I was hospitalized as a result of his assault. I
21 remain in fear of [] my life and my child's life from this individual."

22 The court found the statement sufficed to require sealing.

23 "Given the evidence of Copeland's past experience as a victim of
24 domestic violence and her participation in the California Safe at
25 Home confidential address program, these implied findings are
26 supported by substantial evidence."

27 Although this honorable court is not bound to the decision, it is the only decision
28 concerning Safe at Home where an appeal needed to be pursued. An appeal has yet to be
29 filed for being denied redaction or record sealing under § 367.3.

30 Ultimately when does a threat cease? In this case, when a person goes to jail the
31 threat does not cease. Participants in WITSEC are participants for life for the reason the
32 threat does not cease. The threat is real and lives on especially with today's private

1 industry creating a 'data base nation' where records court records are mined, scanned,
 2 filtered, attached to a particular person, and then data sold to information brokers - the
 3 reasoning nictitating the sealing of records is even more profound.

4 **III. TAKING JUDICIAL NOTICE OF RECENT COURT ORDERS WOULD**
 5 **AIDE THIS HONORABLE COURT IN RECONSIDERATION SINCE THE**
 6 **ORDERS WERE UNAVAILBALE AT THE TIME THE COURT MADE**
 7 **ITS DECISION.**

8 This Court may take judicial notice of a different court's records. *Reyn's Pasta*
 9 *Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006) (taking judicial
 10 notice of pleadings, memoranda, expert reports, and other documents from
 11 proceedings in another court); *see also United States ex rel. Robinson Rancheria Citizens*
 12 *Council v. Borneo, Inc.*, 971 F.2d 244, 248 (taking judicial notice of proceedings before
 13 another court).

14 Exhibits A through L court orders relevant to the motion before the court where
 15 each request to redact or seal its respective cases was granted. Specifically,

- 16 • **Exhibit A** is an Order from the District Court, Las Vegas, Nevada. In that case
 17 the court made findings Plaintiff's "physical and emotional danger" were at
 18 risk unless it granted the motion. The Court changed Defendant's name to John
 19 Doe, and sealed the Order and the entire case.
- 20 • **Exhibit B** is a Minute Order and final order by the San Diego Superior Court
 21 granting redaction⁵ of all personally identifiable records⁶ and changing the
 22 Plaintiff's name to John Doe.
- 23 • **Exhibit C** is an Order by the District Court for the Southern District of
 24 California granting redaction of all personally identifiable information and
 25 changing the Plaintiff's name to John Doe.
- 26 • **Exhibit D** is an Order by the District Court for the Southern District of Texas
 27 granted the motion and sealed the entire case.

28 ⁵ Code of Civil Procedure § 367.3(a), (b)(1).

⁶ As defined by Code of Civil Procedure § 367.3(a) (1) & (2).

- 1 • **Exhibit E** is an Order from the District of Arizona. In that case, Senior United
2 States District Court Judge Roslyn O. Silver agreed that by allowing the court
3 record to remain public would place Plaintiff “at additional risk of harm” and
4 subsequently sealed the entire case⁷.
- 5 • **Exhibit F** is an Order from District Court of Nevada granting redaction and
6 supplementing the name John Doe for Plaintiff’s name.
- 7 • **Exhibit G-K** are print outs from the California Supreme Court case
8 information index. Plaintiff requests the court take judicial notice of each print
9 out from the court record⁸ where the court sealed several cases for privacy
10 reasons.
- 11 • **Exhibit L** is a sealed court order concerning Plaintiff’s oldest daughter. The
12 judge in that case was apprised of information and in granting the motion to
13 seal, it stated, “the Court finds that the Motion has merit and that the disclosure
14 of records, discovery and related information will result in injury to
15 Petitioner.”
- 16 • **Exhibit M** is a subpoena by the San Diego District Attorney’s Office directed
17 to Plaintiff. In this case, Plaintiff heard screams from a neighbor, flagged down
18 a police car and literally broke open a fire escape door . When the officer and
19 Plaintiff exited the stairwell, a male was only feet away from a female draped
20 in blood. It was determined the male, Nikola Chivatchev, had just bludgeoned
21 his father to death with a dumbbell and was then turning on his mother when a
22 police officer and Plaintiff arrived. While Mr. Chivatchev was handcuffed,
23 Plaintiff turned on the video camera option on his phone and spoke with him.

24
25 ⁷ This sealed order reference to a “David Hunter” which is a sealed name Plaintiff obtained as a
26 result of threats.

27 ⁸ Federal, state and municipal websites, including those of governmental agencies, are
28 considered self-authenticating under Fed. R. Evid. 902(5), which provides that “official
publications” are self-authenticating. Fed. R. Evid. 902(5) defines “official publications” to
include “a book, pamphlet or other publication purporting to be issued by a public authority.”

1 The video disclosed several instances where Mr. Chivatchev confessed to the
2 murder to Plaintiff.⁹

- 3 • **Exhibit N** is a text Plaintiff received on June 11, 2021. The texts are photos of
4 headless males. As Plaintiff's declaration states, he has received numerous
5 threats in the past. The case, People v. Chivatchev is still pending where the
6 defendant was committed to a mental hospital at first and is now in a lock
7 down care facility until he is found fit for trial. It is feared the Bulgarian Mafia
8 is making repeated efforts to intimidate Plaintiff for his cooperation with law
9 enforcement.
- 10 • **Exhibit O** attached hereto is where a man in a ski-mask and black trench coat
11 had attempted entry into Plaintiff's home in 2017 and where Plaintiff was
12 interviewed by the news. Needless to say, most burglaries occur during the
13 daytime hours and do not wear trench coats or ski-masks a mile from the beach
14 in San Diego. Plaintiff believes this person attempted to gain entry to harm him
15 or his family.

16 CONCLUSION

17 Respectfully, Plaintiff requests this honorable court to take the same action under
18 Section 367.3 as other courts have and seal the entire or redact all protected information
19 and substitute John Doe for Plaintiff's name.

20 DATED: July 30, 2021

Respectfully submitted,

21
22 _____
23 Darren Chaker-Del Nero
24 Plaintiff

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26
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28 ⁹ See Plaintiff's news interview disclosing the video on Fox News,
<https://www.youtube.com/watch?v=fLIHUevPv9w>

DECLARATION

1
2 I, the undersigned, am the Plaintiff in this matter and if sworn would testify as
3 follows:

4 I am a current member of the California Safe at Home Program. My
5 identification number is 3607. I was victimized and entered the Safe at Home program
6 around 2009. See Exhibit B attached to Ex Parte Motion to Seal Records. The exhibits
7 are true and correct copies of the original documents. Additional events have added to
8 the fear for my safety which I bring to the attention of this court that I feel would
9 supplement my request to seal or redact records.

10 **Exhibit M** is a subpoena in People v. Chivatchev. I am responsible for being the
11 only person out of hundreds who heard screams for help and responding to them. I
12 flagged down a passing police car. The police officer attempted to gain entry through a
13 gate, but since I resided in the building across from it, I did not have access to the gate
14 since it was a different building than my own. I was able to rip open a fire escape door.
15 Upon entering the hallway, a male, later identified as the Mr. Chivatchev, who moved
16 from Bulgaria, was approaching a female covered in blood. The officer placed Mr.
17 Chivatchev under arrest for murdering his father. The case remains open due to Mr.
18 Chivatchev's mental state.

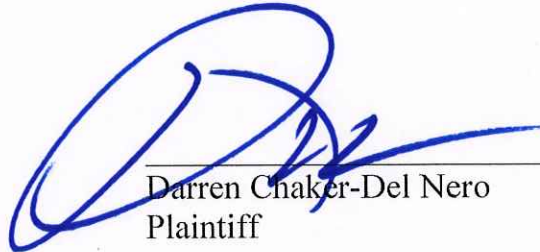
19 I have received numerous death threats for what I believe is due to my
20 cooperation and videotaping a conversation I had with Mr. Chivatchev post-arrest and
21 due to the fact he may have gotten away but for me opening a fire escape door. I
22 continue to fear for my life and was told the Bulgarian mafia is active in California and
23 to take precautions.

24 **Exhibit N** are a couple of photographs received via Text on June 11, 2021. I do
25 not know the person(s) who sent me the text, did not instruct nor encourage anyone to
26 send me the text. I needed to cut and paste screen shots of the text to fit into the
27 "borders" of the paper. If the court would like to see the original text saved in a .PDF
28 file I am happy to accommodate by emailing it to the Court upon request.

1 Each court order I have attached concerns me, even if it is under John Doe, or my
2 the name I obtained under seal, David Hunter.

3 I declare under penalty of perjury under the laws of the United State of America the
4 foregoing is true and correct.

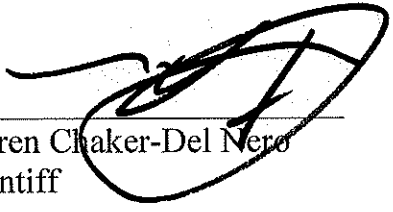
5 DATED: July 30, 2021


Darren Chaker-Del Nero
Plaintiff

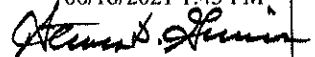
1 Each court order I have attached concerns me, even if it is under John Doe, or my
2 the name I obtained under seal, David Hunter.

3 I declare under penalty of perjury under the laws of the United State of America the
4 foregoing is true and correct.

5 DATED: July 30, 2021

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8 Darren Chaker-Del Nero
9 Plaintiff
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6/18/2021 1:45 PM

Electronically Filed
06/18/2021 1:45 PM
CLERK OF THE COURT

1 JAMES R. OLSON, ESQ.
Nevada Bar No. 000116
2 STEPHANIE A. BARKER, ESQ.
Nevada Bar No. 3176
3 BRANDON P. SMITH, ESQ.
Nevada Bar No. 10443
4 OLSON CANNON GORMLEY & STOBERSKI
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702-384-4012
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Attorneys for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

12 THOMAS C. MICHAELIDES, an individual,
13 THOMAS C. MICHAELIDES dba TCM LAW
14 GROUP,

CASE NO. A-18-779028-C
DEPT. NO. XXIV

Plaintiffs,

v.

16 JOHN DOE, an individual; DOES I-X,
17 inclusive; and ROE CORPORATIONS XI
18 through XX,

Defendants.

AMENDED ORDER GRANTING DEFENDANT'S MOTION TO SEAL OR REDACT

21 Defendant's Motion to Seal or Redact Record Under Seal, having come before the Court
22 on the 27th day of April, 2021, with no opposition filed by Plaintiff and good cause appearing, it
23 is hereby ORDERED, ADJUDGED AND DECREED:

- 24 1. The Court finds Defendant is a participant in the Safe at Home Program
25 which is administered by the California Secretary of State. Safe at Home allows victims of
26 violent crime to enter the program and provides many benefits to participants such as
27 sealing public records in accordance with Cal. Code Civ. Proc. § 367.3(b)(4) to limit
28

1 information about the participant to thwart efforts to locate the participant. The Court
2 finds it will accept the important purpose behind California's Safe at Home program in
3 allowing the sealing of public records in this case.

4 2. The Court previously found the instant lawsuit was meritless, that
5 Defendant's speech was protected under NRS 41.635-670, and that Defendant was
6 entitled to \$51,246 in attorney fees and expenses to Defendant. The Court also found the
7 purported Judgment sent by Plaintiff to Google does not appear in the court docket nor
8 was any such order ever presented to the court or issued by the court.

9 3. Furthermore, the Court finds Defendant's physical safety and psychological
10 well-being are at risk and that these risks are multiplied by allowing this case file to
11 remain public record where Plaintiff disclosed Defendant's sealed name change.

12 4. Further, the Court finds Plaintiff made numerous public references in this
13 matter to a sealed paternity case in which he represented Defendant. Paternity cases are
14 sealed, per NRS § 125.110(2), and Plaintiff used confidential information provided to him
15 by his former client to advance this lawsuit.

16 5. The standards for sealing this case in its entirety are met due to Defendant's
17 physical and emotional danger, his right to be free from threats of violence, psychological
18 abuse, and intimidation, and Plaintiff's disclosure of sealed and confidential information
19 in a frivolous suit.

20 6. Therefore, Defendant has provided this Court with compelling reasons
21 against public disclosure of the contents of the record and sealing the case furthers the
22 goals of the California Safe at Home program via California Civil Procedure Code § 367.3
23 et seq.

24 Accordingly,

25 ...
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28

IT IS ORDERED, Defendant's Motion to Seal is GRANTED. The Clerk shall preserve the case file under seal per SRCR 3(7) and subject to SRCR 3(5)(c), with the exception that the caption shall identify the defendant by the pseudonym 'JOHN DOE'.

IT IS FURTHER ORDERED, Plaintiff shall be prohibited from disclosing or disseminating any record or pleading from this matter.

DATED this _____ day of June, 2021.

Dated this 18th day of June, 2021


DISTRICT COURT JUDGE

Respectfully Submitted by:

OLSON CANNON GORMLEY & STOBERSKI

/s/ Brandon P. Smith, Esq.

FF8 73F 6F02 2966
Jessica K. Peterson
District Court Judge

JAMES R. OLSON, ESQ.
Nevada Bar No. 000116
STEPHANIE A. BARKER, ESQ.
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(702) 384-4012 Fax (702) 383-0701

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 06/24/2021 TIME: 10:01:00 AM DEPT: C-70
JUDICIAL OFFICER PRESIDING: Ronald F. Frazier
CLERK: Anthony Shirley
REPORTER/ERM: Not Reported
BAILIFF/COURT ATTENDANT:

CASE NO: 37-2017-00036344-CU-NP-CTL CASE INIT.DATE: 09/27/2017
CASE TITLE: **McMillan vs Chaker [IMAGED]**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Non-PI/PD/WD tort - Other

APPEARANCES

The Court, having taken the above-entitled matter under submission on 06/23/2021 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Defendant John Doe's Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 is GRANTED. (ROA 329.)

"Unless confidentiality is required by law, court records are presumed to be open." (Cal. R. Court, rule 2.550(c).) Statutory authority expressly authorizes a Safer at Home participant to keep his or her name and identifying information confidential in litigation. (Code Civ. Proc. § 367.3(b)(1).)

Here, Defendant has submitted evidence that he is an active participant of the Safer at Home program. (Erigero Decl. ¶ 2, Exh. A.) Accordingly, the court finds there is an overriding interest that overcomes the right of public access to the records at issue in this motion such support sealing the proposed portions of those records. Further, the court finds there is a substantial probability that the overriding interest will be prejudiced if the record is not sealed. The proposed order to seal is narrowly tailored, and a less restrictive means to achieve the overriding interest does not exist.

"The responsibility to exclude or redact identifying characteristics of the protected person from documents filed with the court rests solely with the parties and their attorneys" and the statute "does not require the court to review pleadings or other papers for compliance." (Code Civ. Proc. § 367.3(b)(3).)

Defendant has lodged redacted versions of the records to be sealed, as identified in Attachment 4 of the motion. The court clerk is directed to place the redacted versions in the public court file in place of the original documents that Defendant has asked the court to seal.

Further, the court finds the register of actions must be revised to replace Defendant's true name with the pseudonym John Doe and to indicate that specified materials have been placed under seal.

Going forward, the parties and their agents and attorneys are required to use the pseudonym "in all

Ex. B

CASE TITLE: McMillan vs Chaker [IMAGED]

CASE NO: 37-2017-00036344-CU-NP-CTL

pleadings, discovery requests or discovery motion documents, and other documents filed or served in the action, and at hearings, trial, and other court proceedings that are open to the public," and are subject to sanctions for any intentional violation. (Code Civ. Proc. § 367.3(b)(2)(A).)

Defendant's requests for judicial notice are denied on the grounds the court did not find the records relevant to its determination of this motion.

Defendant filed a proposed order with its moving papers; however, the appropriate proposed order is a judicial council form. Accordingly, **Defendant's counsel is to prepare a proposed order on Judicial Council form SH-025 and submit it directly to Department 65 within five (5) days.**

Defendant's Motion to Seal Portions of Plaintiffs' First Amended Complaint is also GRANTED. (ROA 299.)

Defendant seeks to seal exactly the same portion of the First Amended Complaint as was previously ordered sealed by the court with regard to the initial Complaint. Once a record is sealed it cannot be unsealed except by order of the court. (Cal. R. Court, rule 2.551(h)(1).)

Plaintiffs ought to have filed a redacted copy of their First Amended Complaint consistent with the court's existing sealing order of June 29, 2018 and lodged an unredacted copy with the court.

Page 29, lines 13 through 15 of the First Amended Complaint are ordered sealed consistent with the court's June 29, 2018 order. The court has already concluded these allegations involve an overriding interest (privacy rights/confidentiality of paternity records) that overcomes the right of public access to this portion of the record, that this overriding interest supports sealing of the record, that there exists a substantial probability that the overriding interest will be prejudiced if these records are not sealed, that the proposed sealing has been narrowly tailored, and that no less restrictive means exist to achieve the overriding interest.

Plaintiffs' request for judicial notice is granted.

IT IS SO ORDERED.



Judge Ronald F. Frazier

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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
9

10 JOHN DOE,¹

11 Plaintiff,

12 v.

13 LAW OFFICES OF WINN AND SIMS, a
14 Professional Corporation; BRIAN N.
15 WINN; RALPH L. SIMS; and DOES 1
16 through 25, inclusive,

17 Defendants.
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Case No.: 06-cv-00599-H-AJB

ORDER:

**(1) GRANTING PLAINTIFF'S
PETITION TO RE-OPEN THE
CASE; AND**

[Doc. No. 13.]

**(2) GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
SUPPLEMENTAL MOTION TO
SEAL**

[Doc. No. 16.]

23 On June 21, 2021, the Court issued an order granting in part and denying in part
24 Plaintiff John Doe's ("Plaintiff") motion to seal. (Doc. No. 12.) On June 25, 2021, the
25 Court ordered the Clerk to file on the docket a petition to re-open the case and a
26 supplemental motion to seal the case filed by Plaintiff. (Doc. Nos. 13, 16.) Plaintiff's
27

28 ¹ The Court replaces Plaintiff's name in the caption with John Doe.

Ex. C

1 supplemental motion to seal sets forth additional facts in support of his request for the
2 Court to either seal the entire case or, in the alternative, redact his personal information
3 from the record. (Doc. No. 16 at 2.)

4 After reviewing Plaintiff's filings, Court denies Plaintiff's supplemental request to
5 seal the entire record. To seal a judicial record, a movant must present "compelling
6 reasons" that outweigh the public's interest in access to the record. Oliner v. Kontrabecki,
7 745 F.3d 1024, 1025-26 (9th Cir. 2014). In addition, "[a]ny order sealing documents
8 should be 'narrowly tailored'" to serve those compelling reasons. Ervine v. Warden, 214
9 F. Supp. 3d 917, 919 (E.D. Cal. 2016) (citing Press-Enterprise Co. v. Superior Court, 464
10 U.S. 501, 513 (1984)); see also Perez-Guerrero v. U.S. Atty. Gen., 717 F.3d 1224, 1235
11 (11th Cir. 2013) ("[T]he decision to seal the entire record of the case . . . must be
12 'necessitated by a compelling governmental interest [] and [be] narrowly tailored to that
13 interest.'" (second and third brackets in original) (citation omitted)). Here, sealing the
14 entire record would be overbroad and undermine the "strong presumption" favoring the
15 public's interest in this case, a class action against a debt collection service. See Ctr. for
16 Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1096 (9th Cir. 2016); Oliner, 745 F.3d
17 at 1025-26.

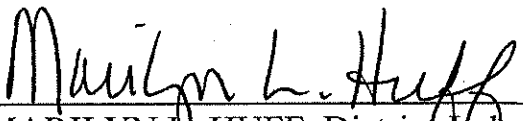
18 That being said, sufficient cause supports Plaintiff's supplemental request to redact
19 his name from the docket and allow him to proceed under the pseudonym "John Doe." The
20 Ninth Circuit allows parties to proceed anonymously when the party's "need for
21 anonymity" to avoid physical injury outweighs the "prejudice to the opposing party and
22 the public's interest in knowing the party's identity." Does I thru XXIII v. Advanced
23 Textile Corp., 214 F.3d 1058, 1067-68 (9th Cir. 2000). That is the case here. (See Doc.
24 No. 16, Exs. A-C.) Additionally, redacting Plaintiff's name from the record would not
25 prejudice any party because Plaintiff voluntarily dismissed the action over fifteen years
26 ago. (Doc. No. 6.) Further, the public's interest in this case primarily centers around the
27 underlying nature of the action, a class action against a debt collection service, not
28 Plaintiff's identity. As a result, the Court grants Plaintiff's supplemental request to redact

1 his name from the record.

2 For the foregoing reasons, the Court grants Plaintiff's petition to re-open the case.
3 The Court then grants in part and denies in part Plaintiff's supplemental motion to seal.
4 Consistent with this Order, the Court directs the Clerk to replace Plaintiff's name with
5 "John Doe" on the docket and in all publicly and electronically available documents so as
6 to conceal his true name. Thereafter, the Court directs the Clerk to re-close the case.

7 **IT IS SO ORDERED.**

8 DATED: June 28, 2021

9 
10 MARILYN L. HUFF, District Judge
11 UNITED STATES DISTRICT COURT
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United States District Court
Southern District of Texas

ENTERED

June 29, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DARREN D. CHAKER,

Appellant,

§
§
§
§
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§

CIVIL ACTION NO. 4:15-CV-2897

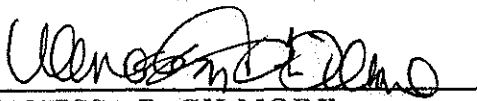
ORDER

Pending before the Court are three (3) Motions to Seal this File (**Instrument Nos. 22, 24, and 25**), and one Motion to Reopen the case. (**Instrument No. 23**). The Motion to Reopen is **DENIED**. The Motions to Seal the File are **GRANTED**.

The Clerk is advised that no additional pleadings should be accepted in this case.

The Clerk shall enter this Order and provide a copy to all parties.

SIGNED on this the 29th day of June, 2021.



VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE

Ex. D

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 CitiBank NA,

10 Petitioner,

11 v.

12 David Hunter,

13 Respondent.
14

No. CV-12-02452-PHX-ROS

SEALED ORDER

15 Respondent seeks to seal this case in its entirety. According to Respondent, he
16 changed his name and there are documents that include his former and current name.
17 Respondent declares he "received threats on [his] life via telephone and email" and failure
18 to place the record under seal places him "at additional risk of harm." (Doc. 22 at 20).
19 Petitioner was served a copy of the motion but did not file a response. Based on the
20 arguments and evidence filed by Respondent, there are compelling reasons involving his
21 safety to seal the record.

22 Accordingly,

23 **IT IS ORDERED** the Motion to Seal (Doc. 21) is **GRANTED**.

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Ex. E

1 **IT IS FURTHER ORDERED** the Motion to Seal Records (Doc. 22) is
2 **GRANTED.** The Clerk of Court shall seal this case in its entirety.

3 Dated this 30th day of June, 2021.

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Honorable Roslyn O. Silver
Senior United States District Judge

cc: all parties

MIME-Version:1.0 From:azddb_responses@azd.uscourts.gov To:azddb_nefs@localhost.localdomain
Bcc: Message-Id:<22142562@azd.uscourts.gov>Subject:Activity in Case 12-2452 Sealed v. Sealed
(Redacted Notice) Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

NOTE: This docket entry (or case) is SEALED. Do not allow it to be seen by unauthorized persons.

U.S. District Court

DISTRICT OF ARIZONA

Notice of Electronic Filing

The following transaction was entered on 7/1/2021 at 7:05 AM MST and filed on 7/1/2021

Case Name: CitiBank NA v. Hunter

Case Number: 2:12-cv-02452-ROS *SEALED*

Filer:

WARNING: CASE CLOSED on 07/11/2013

Document Number: 24

Docket Text:

SEALED ORDER granting [21] Sealed Motion to Seal. **FURTHER ORDERED** granting [23] Sealed Motion to Seal Records. The Clerk of Court shall seal this case in its entirety. Signed by Senior Judge Roslyn O Silver on 6/30/21. (cc: All Parties) (MAP)

2:12-cv-02452-ROS *SEALED* No electronic public notice will be sent because the case/entry is sealed.

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1096393563 [Date=7/1/2021] [FileNumber=22142561-0
] [604354505d370f5b3b3bc05ca405a323830a47c55644589cba013453f9b5ee26e59
ae8bebf1039b482a5b07db9a50d7795a60b797d6b9bd33c8699837b8912c1]]

**SEALED
DOCUMENT**

**NOT A PUBLIC
RECORD**

1
2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 JOHN DOE,¹

7 Plaintiff,

8 v.

9 COLLECTCO, INC., dba COLLECTION
COMPANY OF AMERICA, et al.,

10 Defendant.

Case No. 2:06-cv-00244-JCM-DJA

11 **ORDER**

12 Before the Court is Plaintiff John Doe's motion to seal (ECF No. 12), motion to reopen case
13 (ECF No. 15), motion to seal attaching a supplement (ECF No. 16), and two motions to seal
14 attaching motions for judicial notice (ECF Nos. 17 and 19). Because the Court finds that Plaintiff
15 has not sufficiently shown that the Court should seal the entire record, but that Plaintiff has shown
16 good cause to redact his address and email address and replace his name with "John Doe," the Court
17 grants his motions to seal (ECF Nos. 12, 15, and 16) in part and denies his motion to seal attaching
18 his motions for judicial notice (ECF Nos. 17 and 19) as moot. The Court finds these matters
19 properly resolved without a hearing. LR 78-1.

20 **I. Background.**

21 Through his motion to seal and reopen (ECF Nos. 12 and 15), Plaintiff seeks to reopen the
22 case to seal the record and replace his name with "John Doe." Plaintiff explains that he is protected
23 under California Code of Civil Procedure § 367.3 and California Government Code § 6205 (the
24 "Safe at Home Program") which allows crime victims to keep their addresses confidential. Plaintiff
25 supplemented his motion (ECF No. 16) a few months later and filed motions for judicial notice of
26 other court decisions sealing or redacting his information (ECF No. 17 and 19).

27
28 ¹ The Court replaces Plaintiff's name in the caption with John Doe.

II. Standard.

Under Federal Rule of Civil Procedure 10(a), the title of every complaint must “include the names of all the parties,” and a plaintiff’s use of a fictitious name may “run[] afoul of the public’s common law right of access to judicial proceedings.” *Does I through XIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000). “The normal presumption in litigation is that parties must use their real names.” *Doe v. Kamehameha Sch./Bernice Pauahi Bishop Estate*, 596 F.3d 1036, 1042 (9th Cir. 2010). Nevertheless, the Ninth Circuit permits parties to proceed anonymously “in special circumstances when the party’s need for anonymity outweighs prejudice to the opposing party and the public’s interest in knowing the party’s identity. *Does I through XII*, 214 F.3d at 1068; *see United States v. Doe*, 488 F.3d 1154, 1155 n.1 (9th Cir. 2007) (“We are cognizant ‘that the identity of the parties in any action, civil or criminal, should not be concealed except in an unusual case, where there is a need for the cloak of anonymity’”). The decision of whether to allow a party to remain anonymous is within this Court’s discretion. *See Kamehameha Sch.*, 596 F.3d at 1042.

III. Discussion.

A. Ninth Circuit authority applies to this case.

Although Plaintiff asks this Court to apply California law, the case he cites does not support his position. Plaintiff uses *Maldonado v. Sec’y of Cal. Dept. of Corrs. and Rehab.* for the proposition that this court should apply California law to seal his case. However, *Maldonado* is distinguishable because it involved an ongoing case with mixed questions of state and federal law. *See Maldonado v. Sec’y of Cal. Dept. of Corrs. and Rehab.*, No. 2:06-cv-0269-MCE/GGH, 2007 WL 4249811, at *5-6 (E.D. Cal. Nov. 30, 2007). Here, however, Plaintiff’s case has been closed for fifteen years. Even when it was active, it involved only questions of federal and Nevada law, not California law. California law does not apply here, rather, this Court applies Ninth Circuit rules governing the use of fictitious names and sealing cases.

B. The Court denies Plaintiff’s motion to seal the entire case.

To the extent that Plaintiff asks the Court to seal the entire case, the Court declines. Courts ask two questions to determine whether a qualified First Amendment right of public access applies

1 to a particular proceeding or document: (1) whether the place and process have historically been
2 open to the press and general public; and (2) whether public access plays a significant positive role
3 in the functioning of the particular process in question. *United States v. Doe*, 870 F.3d 991, 997
4 (9th Cir. 2017). Even when this test is satisfied, however, the public's First Amendment right of
5 access establishes only a strong presumption of openness, and "the public still can be denied access
6 if closure 'is necessitated by a compelling government interest, and is narrowly tailored to serve
7 that interest.'" *Id.* (citing *Times Mirror Co. v. United States*, 873 F.2d 1210, 1211 n.1 (9th Cir.
8 1989)).

9 *United States v. Doe* stands for the proposition that sealing docket entries requires a
10 connection between the threat and the docket entries. *Doe*, 870 F.3d at 998-1001. There, a criminal
11 defendant moved to seal docket entries that showed that he had provided the government
12 information about an international drug cartel in exchange for a lowered sentence. *Doe*, 870 F.3d
13 at 994. Although the defendant had not received specific threats to him or his family, the Ninth
14 Circuit found that sealing was necessary because: (1) the risks to Doe and his family were extreme
15 due to the amount of information Doe had provided, the wealth of the international cartel with
16 which he dealt, and the fact that inmates are routinely required to produce dockets and case
17 documents to prove they didn't cooperate; (2) the government had an interest in preserving its
18 ongoing investigation; and (3) there were no adequate alternatives to closure because redacted
19 docket entries would immediately look different than those in non-cooperators cases, readily
20 signaling Doe's cooperation. *See id.* at 998-1001

21 Here, Plaintiff does not overcome the First Amendment right of public access to the case
22 docket. Under the Ninth Circuit test: (1) court's dockets have historically been open to the press
23 and general public; and (2) public access plays a positive role in the function of preserving case
24 records. Plaintiff does not overcome this right because the remedy of sealing the entire docket is
25 not narrowly tailored to achieving the goal of protecting information covered by the Safe at Home
26 Program.

27 Plaintiff has also not sufficiently connected the threats he has received to the docket to seal
28 the entire record. Even more so than the criminal defendant in *Doe*, who sought only to seal certain

1 entries, here Plaintiff asks the entire case to be sealed. However, less than the criminal defendant
2 in *Doe*—who had verified involvement with an international drug cartel—Plaintiff speculates that
3 a criminal enterprise is the source of threats against him. The docket also contains very few
4 references to Plaintiff’s address or email. On balance, however, Plaintiff has provided evidence of
5 a serious threat. Under the *Doe* factors: (1) Plaintiff has alleged that the risks are extreme but has
6 not directly connected them with the docket like the defendant in *Doe* who could show that the
7 docket would form the basis for others to threaten him and his family; (2) the California government
8 has shown an interest in protecting its citizens through the Safe at Home Program; and (3) there are
9 adequate alternatives to sealing the entire record. Although the second factor weighs in Plaintiff’s
10 favor, the first and second weigh in favor of a narrower remedy. The Court thus denies Plaintiff’s
11 motion insofar as it asks for his entire case to be sealed.

12 ***C. The Court grants Plaintiff’s motion to redact his personal information.***

13 Plaintiff has shown sufficient reasons to redact his personal information from the record.
14 While the Safe at Home Program is not able to delete information that already exists in public
15 records, it does provide that “participants should request that confidential information on public
16 records be replaced by their Safe at home designated mailing address.” *See Frequently Asked*
17 *Questions*, CALIFORNIA SECRETARY OF STATE, [https://www.sos.ca.gov/registries/safe-](https://www.sos.ca.gov/registries/safe-home/frequently-asked-questions1)
18 [home/frequently-asked-questions1](https://www.sos.ca.gov/registries/safe-home/frequently-asked-questions1). (last visited Jul. 20, 2021). In *Doe v. Law Offices of Winn and*
19 *Sims et al.*—another case which Plaintiff requested to seal—the Southern District of California
20 found that, although Plaintiff had not provided sufficient reasons to seal his entire record, his
21 participation in the California Safe at Home Program was reason to remove his address from the
22 record and replace his name with “John Doe.” *See Doe v. Law Offices of Winn and Sims et al.*, No.
23 3:06-cv-00599-H-AJB, 2021 WL 2529617, at *1-2 (S.D. Cal. June 21, 2021); *see Doe v. Law*
24 *Offices of Winn and Sims et al.*, No. 3:06-cv-00599-H-AJB, (ECF No. 17) (S. D. Cal June 29, 2021).
25 The court declined Plaintiff’s requests to seal the entire case but directed the Clerk of Court to
26 replace his address on the docket with his Safe at Home address, replace certain documents with
27 redacted versions, and to replace Plaintiff’s name with “John Doe.” *See id.*

1 Here, the Court finds good reason to redact Plaintiff's address and email and replace his
2 name with "John Doe." Plaintiff has provided evidence of his participation in the Safe at Home
3 Program, of a threat, and of his connection with a criminal event. And through his motions, Plaintiff
4 seeks to follow the recommendations of the Safe at Home Program, asking—in the alternative to
5 sealing—for the Court to replace his name with "John Doe" and redact his addresses. The Court
6 finds the Southern District of California's approach to Plaintiffs' similar requests persuasive,
7 although it does not find the need to take judicial notice of the cases Plaintiff submitted in his
8 motions to seal (ECF No. 17 and 19). While Plaintiff has not provided sufficient reasons to seal
9 his entire record, he has provided enough for the Court to replace his address on the docket with
10 his Safe at Home address, to redact his address and email, and to replace his name with "John Doe."

11 **IT IS THEREFORE ORDERED** that Plaintiff's motion to seal (ECF No. 12) as it relates
12 to ECF Nos. 12-1, 16, 17, and 19 is granted. These items are to remain sealed.

13 **IT IS FURTHER ORDERED** Plaintiff's motions to seal (ECF Nos. 12 and 16) are granted
14 in part.

15 **IT IS FURTHER ORDERED** that Plaintiff's motion to seal, appending his notice for
16 judicial notice (ECF Nos. 17, 17-1, and 19) are denied as moot.

17 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to replace
18 Plaintiff's address on the docket with his Safe at Home address—P.O. Box 1679, Sacramento CA
19 95812²—and to replace ECF Nos. 7, 15, and 18 with redacted versions of those documents attached
20 to this Order as Exhibits A, B, and C, respectively. The Clerk of Court is also directed to replace
21 Plaintiff's name with "John Doe" on the docket and in all publicly and electronically available
22 documents to conceal his true name. Thereafter the Court directs the Clerk to re-close the case.

23 DATED: July 27, 2021

24 
25 DANIEL J. ALBREGTS
26 UNITED STATES MAGISTRATE JUDGE

27 ² This address appears in the Southern District of California's order granting Plaintiff's motion to
28 seal in part. *See Law Offices of Winn and Sims et al.*, 2021 WL 2529617, at *1-2.

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Supreme Court

[Change court](#)

Case Summary

Supreme Court	S100508
Case:	
Court of Appeal	No Data Found
Case(s):	
Case Caption:	CHAKER (DARREN D.) ON H.C.
Case Category:	Confidential
Start Date:	09/10/2001
Case Status:	case closed
Issues:	none
Disposition Date:	02/27/2002
Case Citation:	none

Cross Referenced Cases:

No Cross Referenced Cases Found

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Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Supreme Court

[Change court](#)

Case Summary

Supreme Court	S093945
Case:	
Court of Appeal	No Data Found
Case(s):	
Case Caption:	CHAKER (DARREN D.) ON H.C.
Case Category:	Confidential
Start Date:	12/26/2000
Case Status:	case closed
Issues:	none
Disposition Date:	03/28/2001
Case Citation:	none

Cross Referenced Cases:

No Cross Referenced Cases Found

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Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Supreme Court

[Change court](#)

Case Summary

Supreme Court	S093943
Case:	
Court of Appeal	No Data Found
Case(s):	
Case Caption:	CHAKER (DARREN D.) ON H.C.
Case Category:	Confidential
Start Date:	12/26/2000
Case Status:	case closed
Issues:	none
Disposition Date:	03/28/2001
Case Citation:	none

Cross Referenced Cases:

No Cross Referenced Cases Found

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Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Supreme Court

[Change court](#)

Case Summary

Supreme Court **S088929**
Case:
Court of Appeal No Data Found
Case(s):
Case Caption: CHAKER ON H.C.
Case Category: Confidential
Start Date: 06/02/2000
Case Status: case closed
Issues: none
Disposition Date: 09/27/2000
Case Citation: none

Cross Referenced Cases:

No Cross Referenced Cases Found

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Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Supreme Court

[Change court](#)

Case Summary

Supreme Court	S079640
Case:	
Court of Appeal	No Data Found
Case(s):	
Case Caption:	CHAKER, DARREN D.
Case Category:	Confidential
Start Date:	06/11/1999
Case Status:	case closed
Issues:	none
Disposition Date:	09/29/1999
Case Citation:	none

Cross Referenced Cases:

No Cross Referenced Cases Found

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Case No. 2009-70010

DARREN CHAKER,

Petitioner

vs.

NICOLE MATEO,

Respondent.

IN THE 247th JUDICIAL DISTRICT,
HARRIS COUNTY, TEXAS

FILED
Chris Daniel
District Clerk
NEC 02 2011
10:00 AM
Harris County
Texas

ORDER SEALING COURT RECORDS

The Honorable Bonnie Hellums, Presiding District Court Judge.

Pending before the Court is Darren Chaker's Motion to Seal Record ("Motion"). The Court called the Motion for hearing on November 11, 2011. Petitioner Darren Chaker appeared through counsel, Yaron Lutfak. Respondent Nicole Mateo did not appear or file a response to the Motion.

After considering the pleadings and affidavit of the Petitioner, the evidence and arguments of counsel, the Court finds that the Motion has merit and that the disclosure of records, discovery and related information will result in irreparable injury to Petitioner. The court also finds specific, serious and substantial interests clearly outweigh the presumption of openness provided by Texas Rule of Civil Procedure 76a(1) and any probable adverse effect that sealing will have upon public's health or safety.

IT IS, THEREFORE, ORDERED that the Motion is GRANTED.

IT IS ORDERED that the following court records are sealed:

All records bearing Cause Number 2009-70010 and styled "Chaker v. Mateo" are sealed in physical and electronic form, except those documents that are required by law to be recorded in the minutes of the Court. The records shall not be opened or released except on appropriate court order unless used in connection with the instant case.

IT IS FURTHER ORDERED that Petitioner, Darren Chaker, and Respondent, Nicole Mateo, shall not release, distribute, or provide any sealed record, including any

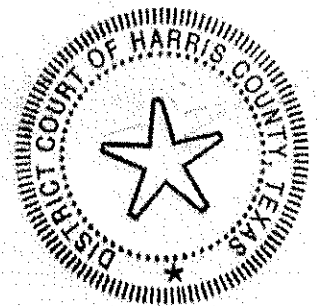
Ex. L

1 discovery, to a third party unless to the his or her attorney, the Texas Attorney General or
2 other entity to enforce any order of the Court or in connection with any future or pending
3 litigation between the parties.

4 SIGNED this day ____ of November, 2011

5 DEC 02 2011


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Hon. Bonnie C. Hellums



STATE OF TEXAS
COUNTY OF HARRIS

I, Chris Daniel, District Clerk of Harris County, Texas, certify that
this is a true and correct copy of the original record filed and or recorded
in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this

CHRIS DANIEL, DISTRICT CLERK
HARRIS COUNTY, TEXAS

IAN 11 2012

Chris Daniel
Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION
220 WEST BROADWAY, SAN DIEGO, CA 92101

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

vs.

CHIVATCHEV, NIKOLA, Defendant.

Court #: SCD223206
D.A. Case #: ACP303

HEARING DATE, TIME & DEPARTMENT
Felony Jury Trial
APRIL 7, 2010 at 9:00 AM
Department: 11

To Witness:

DARREN CHAKER
311 N. Robertson Blvd #123
Beverly Hills, CA 90211

SUBPOENA
Criminal
P.C. 1326-1332
G.C. Sec 7460 et seq.

YOU ARE COMMANDED to appear in Department 11 of the Central Division of the San Diego Superior Court, 220 West Broadway, San Diego, CA 92101, on

APRIL 7, 2010 at 9:00 AM

as a witness in the criminal action prosecuted by the People of the State of California against the above named defendant(s).

Disobedience of this subpoena may be punished by a fine, imprisonment, or both.

BY ORDER OF THE COURT: For good cause shown, it is hereby ordered that the above named witness appear in court as commanded by this subpoena.

Michael M. Roddy, Clerk of the Superior Court

3-01-10

Date

J. Lezette
Deputy Clerk

Pursuant to Penal Code section 1331.5, in lieu of such appearance at the time specified above, you may agree with the party at whose request the subpoena was issued to appear at another time or upon such notice as may be agreed upon. Any failure to appear pursuant to such agreement may be punished as contempt and could result in the issuance of a bench warrant for your arrest.

CERTIFICATE OF SERVICE

- ☐ On the date shown below I served the within subpoena on the above named person at _____ by delivering at least one copy personally.
- ☐ On the date shown below I served the within subpoena on the above named peace officer witness per Section 1328PC by delivering 2 copies to _____.
- ☐ After due search and diligent inquiry I have been unable to locate the above named person.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed

on (Date) _____ at (Place) _____, California.

(Signature of Server)

SPECIAL INSTRUCTIONS

Please contact Paralegal Janelle Lezette at (619) 531-3599 upon receipt of subpoena for witness scheduling.
Thank you.

Deputy District Attorney assigned is Michael McCann (619) 531-3644

Fx M

(469) 907-5672



Ex. N

